

12/13/01  
J1048 U.S. PTO

Please type a plus sign (+) inside the box

12-18-01

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. 017534-000730US

First Inventor PERKINS, RODNEY A.

Title METHODS, SYSTEMS, AND KITS FOR LUNG VOLUME  
REDUCTION

Express Mail Label No. EL 387640039US

JC555 017068 U.S. PTO  
12/13/01

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning design patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
- Applicant claims small entity status.  
See 37 CFR 1.27.
- Specification [Total Pages 17]  
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- Drawing(s) (35 U.S.C.113) [Total Sheets 16]
- Oath or Declaration [Total Pages 2]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper number of pages
  - c.  Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9.  Assignment Papers (cover sheet & document(s))
10.  37 C.F.R. §3.73(b) Statement  Power of Attorney (when there is an assignee)
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Remarks
14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)
16.  Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
17.  Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation of prior application No: 09/606,320 / filed June 28, 2000, which was a continuation-in-part of 09/347,032 filed July 2, 1999N.

Prior application information: Examiner A. Nguyen Group Art Unit: 3763

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

|                                                                       |                                                              |                                                                                   |
|-----------------------------------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Customer Number or Bar Code Label | 20350<br>(Insert Customer No. or Attach bar code label here) | <input type="checkbox"/> or <input type="checkbox"/> Correspondence address below |
|-----------------------------------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------------------------------------|

|         |           |          |  |
|---------|-----------|----------|--|
| Name    |           |          |  |
|         |           |          |  |
| Address |           |          |  |
|         |           |          |  |
| City    | State     | Zip Code |  |
| Country | Telephone | Fax      |  |

|                   |                 |                                   |        |
|-------------------|-----------------|-----------------------------------|--------|
| Name (Print/Type) | James M. Heslin | Registration No. (Attorney/Agent) | 29,541 |
| Signature         |                 |                                   | Date   |
|                   |                 | December 13, 2001                 |        |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

PA 3190121 v1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 370

## Complete if Known

|                      |                    |
|----------------------|--------------------|
| Application Number   | Unassigned         |
| Filing Date          | December 13, 2001  |
| First Named Inventor | PERKINS, RODNEY A. |
| Examiner Name        | Unassigned         |
| Group Art Unit       | Unassigned         |

Attorney Docket No. 017534-000730US

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number

20-1430

Deposit Account Name

Townsend and Townsend and Crew LLP

Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

Applicant claims small entity status.  
See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity Fee Code | Entity Fee (\$) | Small Entity Fee Code | Entity Fee (\$) | Fee Description        | Fee Paid |
|-----------------------|-----------------|-----------------------|-----------------|------------------------|----------|
| 101                   | 740             | 201                   | 370             | Utility filing fee     | 370      |
| 106                   | 330             | 206                   | 165             | Design filing fee      |          |
| 107                   | 510             | 207                   | 255             | Plant filing fee       |          |
| 108                   | 740             | 208                   | 370             | Reissue filing fee     |          |
| 114                   | 160             | 214                   | 80              | Provisional filing fee |          |

SUBTOTAL (1) (\$370)

## 2. EXTRA CLAIM FEES

| Total Claims | Independent Claims | Multiple Dependent | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------------|--------------|----------------|----------|
|              |                    |                    |              |                |          |
| 5            | 2                  |                    | 0            | \$9            | \$0      |
| -20**        | -3**               |                    | 0            | \$42           | \$0      |

| Large Entity Fee Code | Entity Fee (\$) | Small Entity Fee Code | Entity Fee (\$) | Fee Description                                            |
|-----------------------|-----------------|-----------------------|-----------------|------------------------------------------------------------|
| 103                   | 18              | 203                   | 9               | Claims in excess of 20                                     |
| 102                   | 84              | 202                   | 42              | Independent claims in excess of 3                          |
| 104                   | 280             | 204                   | 140             | Multiple dependent claim, if not paid                      |
| 109                   | 84              | 209                   | 42              | ** Reissue independent claims over original patent         |
| 110                   | 18              | 210                   | 9               | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$0)

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

| Large Entity Fee Code | Entity Fee (\$) | Small Entity Fee Code | Entity Fee (\$) | Fee Description                                                            | Fee Paid |
|-----------------------|-----------------|-----------------------|-----------------|----------------------------------------------------------------------------|----------|
| 105                   | 130             | 205                   | 65              | Surcharge - late filing fee or oath                                        |          |
| 127                   | 50              | 227                   | 25              | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139                   | 130             | 139                   | 130             | Non-English specification                                                  |          |
| 147                   | 2,520           | 147                   | 2,520           | For filing a request for reexamination                                     |          |
| 112                   | 920*            | 112                   | 920*            | Requesting publication of SIR prior to Examiner action                     |          |
| 113                   | 1,840*          | 113                   | 1,840*          | Requesting publication of SIR after Examiner action                        |          |
| 115                   | 110             | 215                   | 55              | Extension for reply within first month                                     |          |
| 116                   | 400             | 216                   | 200             | Extension for reply within second month                                    |          |
| 117                   | 920             | 217                   | 460             | Extension for reply within third month                                     |          |
| 118                   | 1,440           | 218                   | 720             | Extension for reply within fourth month                                    |          |
| 128                   | 1,960           | 228                   | 980             | Extension for reply within fifth month                                     |          |
| 119                   | 320             | 219                   | 160             | Notice of Appeal                                                           |          |
| 120                   | 320             | 220                   | 160             | Filing a brief in support of an appeal                                     |          |
| 121                   | 280             | 221                   | 140             | Request for oral hearing                                                   |          |
| 138                   | 1,510           | 138                   | 1,510           | Petition to institute a public use proceeding                              |          |
| 140                   | 110             | 240                   | 55              | Petition to revive – unavoidable                                           |          |
| 141                   | 1,280           | 241                   | 640             | Petition to revive – unintentional                                         |          |
| 142                   | 1,280           | 242                   | 640             | Utility issue fee (or reissue)                                             |          |
| 143                   | 460             | 243                   | 230             | Design issue fee                                                           |          |
| 144                   | 620             | 244                   | 310             | Plant issue fee                                                            |          |
| 122                   | 130             | 122                   | 130             | Petitions to the Commissioner                                              |          |
| 123                   | 50              | 123                   | 50              | Petitions related to provisional applications                              |          |
| 126                   | 180             | 126                   | 180             | Submission of Information Disclosure Stmt                                  |          |
| 581                   | 40              | 581                   | 40              | Recording each patent assignment per property (times number of properties) |          |
| 146                   | 740             | 246                   | 370             | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149                   | 740             | 249                   | 370             | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179                   | 740             | 279                   | 370             | Request for Continued Examination (RCE)                                    |          |
| 169                   | 900             | 169                   | 900             | Request for expedited examination of a design application                  |          |

Other fee (specify)

The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

\*\*or number previously paid, if greater; For Reissues, see above

| SUBMITTED BY      |                 | Complete if applicable            |        |                        |
|-------------------|-----------------|-----------------------------------|--------|------------------------|
| Name (Print/Type) | James M. Heslin | Registration No. (Attorney/Agent) | 29,541 | Telephone 650-326-2400 |
| Signature         |                 |                                   | Date   | December 13, 2001      |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. PA 3190122 v1